

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MARILYN MARGULIS, and MAX
MARGULIS, *individual and on behalf
of all others similarly situated,*

Plaintiffs,

VS.

HOMEADVISOR, INC., and
JOHN DOES 1-10,

Defendants.

No. 4:19-CV-00226-SRC

**DEFENDANT HOMEADVISOR, INC.'S
RENEWED MOTION TO COMPEL INDIVIDUAL
ARBITRATION AND ENFORCE CLASS ACTION WAIVER**

Defendant HomeAdvisor, Inc., by and through counsel, and pursuant to the Federal Arbitration Act, 9 U.S.C. § 1, *et seq.*, the Court's January 31, 2020 Memorandum and Order (ECF No. 52), Federal Rule 56, and Local Rule 4.01, moves the Court for an Order dismissing this lawsuit and compelling individual arbitration consistent with the parties agreement to arbitrate and related class action waiver. Plaintiffs manifested assent to HomeAdvisor's terms and conditions including an arbitration provision and class action waiver by using and accepting HomeAdvisor's services in September 2017. The arbitration provision delegated to the arbitrator all threshold questions of arbitrability. Nonetheless, the process by which Plaintiffs requested and then accepted HomeAdvisor's services sufficiently created an enforceable agreement to arbitrate and Plaintiffs waived the right to bring class claims or serve in a representative capacity. That agreement applies to the disputes alleged in Plaintiffs' lawsuit. As a result, the Court should compel individual arbitration and dismiss, or alternatively, stay this lawsuit pending arbitration. HomeAdvisor incorporates by reference its statement of uncontroverted material facts and memorandum in support which are contemporaneously filed.

WHEREFORE, HomeAdvisor, Inc., respectfully requests that the Court sustain this motion, compel individual arbitration, and dismiss, or alternatively, stay this lawsuit pending arbitration, and for such further relief as the Court deems just and proper.

Respectfully submitted,

ARMSTRONG TEASDALE LLP

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ATTORNEYS FOR DEFENDANT
HOMEADVISOR, INC.

CERTIFICATE OF SERVICE

I hereby certify that on May 13, 2020, a true and accurate copy of the above and foregoing was e-filed with the Court using the CM/ECF system which sent notification to all parties entitled to service.

/s/ Paul Croker